

Subpart 4-Bureau of Regulatory Services
Chapter 01-Retail Food Store Sanitation

Sanitation Requirements

100.02 Department inspections:

1. Each retail food establishment will be issued an inspection result summary and an inspection report on each visit. The inspection report shall document certain information, which can be found in *Food Code* Section 8-403.10, “Documenting Information and Observations.”
2. The inspection result placard notifies the consumer of the result of the inspection. There are four placard results:
 - a. **Green “Passed” placard.** This result indicates that the retail food establishment passed inspection and had no critical violations as defined by the *Food Code*.
 - b. **Green “Conditional Pass” placard.** This result indicates that the retail food establishment had at least one critical violation that was corrected at the time of inspection. Because of the nature and severity of the violation(s), a follow-up inspection will be performed, as deemed necessary by the Commissioner or her agents.
 - c. **Yellow “Notice” placard.** This result indicates one of three outcomes:
 - i. a critical violation could not be corrected before the Inspector left the premises; or
 - ii. a critical violation was repeated from the last inspection, even if it was corrected at the time of the follow-up inspection; or
 - iii. excessive (more than 5) repeated noncritical violations were found on a follow-up inspection.
 - d. **Red “Failed” placard.** This result indicates closure of the retail food establishment due to immediate danger to public health and safety.
3. Critical violations shall be corrected by the license holder immediately if possible, and within ten days after inspection, unless otherwise directed by the Department.
4. Excessive (more than five) repeated noncritical violations shall be corrected by the license holder within thirty days from the date of inspection.
5. If the Commissioner or her agents have evidence, based on an inspection, that a public health hazard could exist, a license holder shall assist the Department with its investigation, including sharing company reports and records that would supplement food safety and sanitation inspection findings.

(Adopted November 17, 2008; Amended April ___, 2016.)

100.03 Public notification of inspection results:

1. Inspection result summary. The most recent placard shall be posted by the retail food establishment on the front door, or on both front entrances if the establishment has two separate entrances;

- a. Placards shall be at or near eye-level;
 - b. If placards cannot be placed on doors, they may be placed on adjacent windows at or near eye-level, as approved by the Department;
 - c. Placards may not be removed by anyone other than the Commissioner or her agents. Removal by anyone else is considered noncompliance.
- 2. Inspection report. The current inspection report shall be made available to a consumer who requests it from the retail food establishment management.
- 3. Noncompliance.
 - a. The failure to follow this section and its subparts is a violation of the Retail Food Law, and any violator is subject to the penalties therein, including up to a \$500.00 fine for the first violation and up to \$1,000.00 for subsequent violations and/or suspension or revocation of the retail food establishment's license.
 - b. The Department will pursue legal action to collect unpaid fines.

(Adopted November 17, 2008; Amended April ____, 2016.)

Source: *Miss. Code Ann.* §69-1-18.

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Sanitation Requirements

100.02 Department inspections:

1. Each retail food establishment will be issued an inspection result summary and an inspection report on each visit. The inspection report shall document certain information, which can be found in *Food Code* Section 8-403.10, "Documenting Information and Observations."
2. The inspection result ~~summary~~ placard notifies the consumer of the result of the inspection. There are four ~~inspection~~ placard results:
 - a. Green "Passed" placard. This result indicates that the retail food establishment passed ~~department~~ inspection and had no critical violations as defined by the *Food Code*.
 - b. Green "Conditional Pass" placard. This result indicates that the retail food establishment had at least one critical violation/s, ~~as defined by the *Food Code*, that were~~ was corrected at the time of inspection. ~~A follow-up inspection will be made at this retail establishment.~~ Because of the nature and severity of the violation(s), a follow-up inspection will be performed, as deemed necessary by the Commissioner or her agents.
 - ~~b. c.~~ c. Yellow "Inspected" "Notice" placard. This result indicates ~~that at the time of inspection the retail food establishment had either~~ one of three outcomes:
 - i. a critical violation/s of the *Food Code* uncorrected at the time of inspection could not be corrected before the Inspector left the premises; or
 - ii. a critical violation/s of the *Food Code* was repeated from the last inspection, even if they it were was corrected at the time of the follow-up inspection; or
 - iii. excessive (more than 5); repeated noncritical violations of the *Food Code* were found on a follow-up inspection.

~~A follow-up inspection on critical violations will be made by the department ten days from the date of the inspection. A follow-up inspection on excessive (more than 5); repeated noncritical violations will be made by the department within thirty days from the date of the inspection. All violations must be corrected at that time or administrative action as provided by law may be taken, including administrative fines and/or suspension or revocation of the establishment's license.~~
- e. d. Red "Failed" placard. This result indicates closure of the retail food establishment due to immediate danger to public health and safety.
3. ~~The inspection report documents the information set out in Chapter 8, Subpart 8-405.10, "Documenting Information and Observations" of the current *Food Code*.~~ Critical violations shall be corrected by the license holder immediately if possible, and within ten days after inspection, unless otherwise directed by the Department.
4. Excessive (more than five) repeated noncritical violations shall be corrected by the license holder within thirty days from the date of inspection.

5. If the Commissioner or her agents have evidence, based on an inspection, that a public health hazard could exist, a license holder shall assist the Department with its investigation, including sharing company reports and records that would supplement food safety and sanitation inspection findings.

(Adopted November 17, 2008; Amended April ____, 2016.)

100.03 Public notification of inspection results:

1. Inspection result summary. ~~The current inspection result summary must be posted by the retail food establishment on the front door/s or in a location conspicuous to consumers as approved by the Department.~~ The most recent placard shall be posted by the retail food establishment on the front door, or on both front entrances if the establishment has two separate entrances;

a. Placards shall be at or near eye-level;

b. If placards cannot be placed on doors, they may be placed on adjacent windows at or near eye-level, as approved by the Department;

c. Placards may not be removed by anyone other than the Commissioner or her agents. Removal by anyone else is considered noncompliance.

2. Inspection report. The current inspection report ~~must~~ shall be made available to a consumer who requests it from the retail food establishment management.

3. Noncompliance.

a. The failure to follow this section and its subparts is a violation of the Retail Food Law, and any violator is subject to the penalties therein, including up to a \$500.00 fine for the first violation and up to \$1,000.00 for subsequent violations and/or suspension or revocation of the retail food establishment's license.

b. The Department will pursue legal action to collect unpaid fines.

(Adopted November 17, 2008; Amended April ____, 2016.)

Source: *Miss. Code Ann.* §69-1-18.